

## Calendar No. 368

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SENATE

{ REPORT  
110-170

### SANGRE DE CRISTO NATIONAL HERITAGE AREA ACT

SEPTEMBER 17, 2007.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

### R E P O R T

[To accompany S. 443]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 443) to establish the Sangre de Cristo National Heritage Area in the State of Colorado, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill, as amended, do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Sangre de Cristo National Heritage Area Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

- (1) HERITAGE AREA.—The term “Heritage Area” means the Sangre de Cristo National Heritage Area established by section 3(a).
- (2) MANAGEMENT ENTITY.—The term “management entity” means the management entity for the Heritage Area designated by section 3(d).
- (3) MANAGEMENT PLAN.—The term “management plan” means the management plan for the Heritage Area required under section 5.
- (4) MAP.—The term “map” means the map entitled “Proposed Sangre De Cristo National Heritage Area” and dated November 2005.
- (5) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
- (6) STATE.—The term “State” means the State of Colorado.

#### SEC. 3. SANGRE DE CRISTO NATIONAL HERITAGE AREA.

- (a) ESTABLISHMENT.—There is established in the State the Sangre de Cristo National Heritage Area.
- (b) BOUNDARIES.—The Heritage Area shall consist of—
  - (1) the counties of Alamosa, Conejos, and Costilla; and
  - (2) the Monte Vista National Wildlife Refuge, the Baca National Wildlife Refuge, the Great Sand Dunes National Park and Preserve, and other areas included in the map.
- (c) MAP.—A map of the Heritage Area shall be—

- (1) included in the management plan; and
  - (2) on file and available for public inspection in the appropriate offices of the National Park Service.
- (d) MANAGEMENT ENTITY.—
- (1) IN GENERAL.—The management entity for the Heritage Area shall be the Sangre de Cristo National Heritage Area Board of Directors.
  - (2) MEMBERSHIP REQUIREMENTS.—Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the Heritage Area before the date of enactment of this Act.

#### SEC. 4. ADMINISTRATION.

- (a) AUTHORITIES.—For purposes of carrying out the management plan, the Secretary, acting through the management entity, may use amounts made available under this Act to—
  - (1) make grants to the State or a political subdivision of the State, nonprofit organizations, and other persons;
  - (2) enter into cooperative agreements with, or provide technical assistance to, the State or a political subdivision of the State, nonprofit organizations, and other interested parties;
  - (3) hire and compensate staff, which shall include individuals with expertise in natural, cultural, and historical resources protection, and heritage programming;
  - (4) obtain money or services from any source including any that are provided under any other Federal law or program;
  - (5) contract for goods or services; and
  - (6) undertake to be a catalyst for any other activity that furthers the Heritage Area and is consistent with the approved management plan.
- (b) DUTIES.—The management entity shall—
  - (1) in accordance with section 5, prepare and submit a management plan for the Heritage Area to the Secretary;
  - (2) assist units of local government, regional planning organizations, and nonprofit organizations in carrying out the approved management plan by—
    - (A) carrying out programs and projects that recognize, protect, and enhance important resource values in the Heritage Area;
    - (B) establishing and maintaining interpretive exhibits and programs in the Heritage Area;
    - (C) developing recreational and educational opportunities in the Heritage Area;
    - (D) increasing public awareness of, and appreciation for, natural, historical, scenic, and cultural resources of the Heritage Area;
    - (E) protecting and restoring historic sites and buildings in the Heritage Area that are consistent with Heritage Area themes;
    - (F) ensuring that clear, consistent, and appropriate signs identifying points of public access, and sites of interest are posted throughout the Heritage Area; and
    - (G) promoting a wide range of partnerships among governments, organizations, and individuals to further the Heritage Area;
  - (3) consider the interests of diverse units of government, businesses, organizations, and individuals in the Heritage Area in the preparation and implementation of the management plan;
  - (4) conduct meetings open to the public at least semiannually regarding the development and implementation of the management plan;
  - (5) for any year that Federal funds have been received under this Act—
    - (A) submit an annual report to the Secretary that describes the activities, expenses, and income of the management entity (including grants to any other entities during the year that the report is made);
    - (B) make available to the Secretary for audit all records relating to the expenditure of the funds and any matching funds;
    - (C) require, with respect to all agreements authorizing expenditure of Federal funds by other organizations, that the organizations receiving the funds make available to the Secretary for audit all records concerning the expenditure of the funds; and
  - (6) encourage by appropriate means economic viability that is consistent with the Heritage Area.
- (c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

(d) **COST-SHARING REQUIREMENT.**—The Federal share of the cost of any activity carried out using any assistance made available under this Act shall be 50 percent.

**SEC. 5. MANAGEMENT PLAN.**

(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, the management entity shall submit to the Secretary for approval a proposed management plan for the Heritage Area.

(b) **REQUIREMENTS.**—The management plan shall—

(1) incorporate an integrated and cooperative approach for the protection, enhancement, and interpretation of the natural, cultural, historic, scenic, and recreational resources of the Heritage Area;

(2) take into consideration State and local plans;

(3) include—

(A) an inventory of—

(i) the resources located in the core area described in section 3(b);

and

(ii) any other property in the core area that—

(I) is related to the themes of the Heritage Area; and

(II) should be preserved, restored, managed, or maintained because of the significance of the property;

(B) comprehensive policies, strategies and recommendations for conservation, funding, management, and development of the Heritage Area;

(C) a description of actions that governments, private organizations, and individuals have agreed to take to protect the natural, historical and cultural resources of the Heritage Area;

(D) a program of implementation for the management plan by the management entity that includes a description of—

(i) actions to facilitate ongoing collaboration among partners to

(I) promote plans for resource protection, restoration, and construction; and

(II) specific commitments for implementation that have been made by the management entity or any government, organization, or individual for the first 5 years of operation;

(E) the identification of sources of funding for carrying out the management plan;

(F) analysis and recommendations for means by which local, State, and Federal programs, including the role of the National Park Service in the Heritage Area, may best be coordinated to carry out this Act; and

(G) an interpretive plan for the Heritage Area; and

(4) recommend policies and strategies for resource management that consider and detail the application of appropriate land and water management techniques, including the development of intergovernmental and interagency cooperative agreements to protect the natural, historical, cultural, educational, scenic, and recreational resources of the Heritage Area.

(c) **DEADLINE.**—If a proposed management plan is not submitted to the Secretary by the date that is 3 years after the date of enactment of this Act, the management entity shall be ineligible to receive additional funding under this Act until the date that the Secretary receives and approves the management plan.

(d) **APPROVAL OR DISAPPROVAL OF MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of receipt of the management plan under subsection (a), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) **CRITERIA FOR APPROVAL.**—In determining whether to approve the management plan, the Secretary shall consider whether—

(A) the management entity is representative of the diverse interests of the Heritage Area, including governments, natural and historic resource protection organizations, educational institutions, businesses, and recreational organizations;

(B) the management entity has afforded adequate opportunity, including public hearings, for public and governmental involvement in the preparation of the management plan; and

(C) the resource protection and interpretation strategies contained in the management plan, if implemented, would adequately protect the natural, historical, and cultural resources of the Heritage Area.

(3) **ACTION FOLLOWING DISAPPROVAL.**—If the Secretary disapproves the management plan under paragraph (1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 180 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(4) AMENDMENTS.—

(A) IN GENERAL.—The Secretary shall approve or disapprove each amendment to the management plan that the Secretary determines make a substantial change to the management plan.

(B) USE OF FUNDS.—The management entity shall not use Federal funds authorized by this Act to carry out any amendments to the management plan until the Secretary has approved the amendments.

**SEC. 6. RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

(a) IN GENERAL.—Nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on the Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this Act—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of the Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

**SEC. 7. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.**

Nothing in this Act—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State or local agency, or conveys any land use or other regulatory authority to the management entity;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

**SEC. 8. EVALUATION; REPORT.**

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the Heritage Area, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the management entity with respect to—

(A) accomplishing the purposes of this Act for the Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the Heritage Area;

(2) analyze the Federal, State, local, and private investments in the Heritage Area to determine the leverage and impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the Heritage Area for purposes of identifying the critical components for sustainability of the Heritage Area.

(c) REPORT.—

(1) IN GENERAL.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall prepare a report that includes recommendations for the future role of the National Park Service, if any, with respect to the Heritage Area.

(2) REQUIRED ANALYSIS.—If the report prepared under paragraph (1) recommends that Federal funding for the Heritage Area be reauthorized, the report shall include an analysis of—

(A) ways in which Federal funding for the Heritage Area may be reduced or eliminated; and

(B) the appropriate time period necessary to achieve the recommended reduction or elimination.

(3) SUBMISSION TO CONGRESS.—On completion of the report, the Secretary shall submit the report to—

- (A) the Committee on Energy and Natural Resources of the Senate; and
- (B) the Committee on Natural Resources of the House of Representatives.

#### SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act \$10,000,000, of which not more than \$1,000,000 may be made available for any fiscal year.

#### SEC. 10. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

#### PURPOSE

The purpose of S. 443 is to designate the Sangre de Cristo National Heritage Area in the State of Colorado.

#### BACKGROUND AND NEED

The Sangre de Cristo National Heritage Area encompasses a unique part of our nation's history, where the villages and lifestyles of some of America's earliest Spanish settlements still exist along with spectacular natural landscapes. The national heritage area includes a national park, three National Wildlife Refuges, a National Forest, two wilderness areas and 15 State Wildlife Areas. The area's eastern boundary is marked by the Sierra Blanca within the 14,000 foot peaks of the Sangre de Cristo mountain range.

The heritage area includes the oldest continuously occupied town in Colorado, San Luis; the oldest parish, the oldest church, and the first water right. The cultural traditions associated with these early Spanish settlements can still be found in this area, where Seventeenth Century Spanish is still spoken by a third of the local population.

In 2005 two organizations—the Los Amigos Caminos Antiguos Scenic and Historic Byway and the Sangre de Cristo National Heritage Area Steering Committee—produced a feasibility study of the proposed heritage area. The study concluded that the area merited designation as a national heritage area.

#### LEGISLATIVE HISTORY

S. 443 was introduced by Senators Salazar and Allard on January 31, 2007. The Subcommittee on National Parks held a hearing on the bill on March 20, 2007 (S. Hrg. 110–73).

Senator Salazar introduced a similar bill during the 109th Congress, S. 2037. The Subcommittee on National Parks held a hearing on the bill on June 22, 2006 (S. Hrg. 109–663). No further action was taken on the bill.

At its business meeting on July 25, 2007, the Committee on Energy and Natural Resources ordered S. 443 favorably reported with an amendment in the nature of a substitute.

#### COMMITTEE RECOMMENDATION

The Committee on Energy and Natural Resources, in open business session on July 25, 2007, by a voice vote of a quorum present, recommends that the Senate pass S. 443, if amended as described herein.

## COMMITTEE AMENDMENT

During its consideration of S. 443, the Committee adopted an amendment in the nature of a substitute. The amendment deletes the Congressional findings, and modifies the management language for the heritage area to make it consistent with the authorities provided for other national heritage areas. The amendment also adds a requirement that the Secretary of the Interior conduct an evaluation of the heritage area not later than three years before the date authority for Federal funding terminates, to assess the progress of the management entity in accomplishing the purposes for which the heritage area was established and whether the goals and objectives of the management plan for the heritage area were achieved. The Secretary is required to submit a report of the findings of the evaluation to the Congressional authorizing committees.

The amendment is explained in detail in the section-by-section analysis, below.

## SECTION-BY-SECTION ANALYSIS

Section 1 provides the short title, the “Sangre de Cristo National Heritage Area Act.”

Section 2 defines the key terms used in the bill.

Section 3(a) establishes the Sangre de Cristo National Heritage Area (“heritage area”).

Subsection (b) describes the boundaries of the heritage area.

Subsection (c) requires that a map of the heritage area boundaries be included in the management plan for the heritage area and available for public inspection in the appropriate offices of the National Park Service.

Subsection (d) designates the Sangre de Cristo National Heritage Area Board of Directors as the management entity for the heritage area. Members of the Board shall include representatives from a broad cross-section of the individuals, agencies, organizations, and governments that were involved in the planning and development of the heritage area.

Section 4(a) authorizes the Secretary of the Interior (“Secretary”), acting through the management entity, to make grants in furtherance of the purposes of the heritage area, enter into cooperative agreements or provide technical assistance, hire staff, contract for goods and services, and undertake to be a catalyst for any other activity that furthers the heritage area and is consistent with the approved management plan.

Subsection (b) lists the duties of the management entity.

Subsection (c) prohibits the management entity from using Federal funds made available under this Act to acquire real property or an interest in real property.

Subsection (d) requires any Federal funding for the heritage area to be matched on a 50:50 basis with non-Federal funds.

Section 5(a) requires the management entity to submit a management plan for the heritage area to the Secretary not later than 3 years after the day of enactment of the Act.

Subsection (b) lists the requirements for the management plan.

Subsection (c) provides that if the management plan is not submitted to the Secretary within three years after the date of enact-

ment, the management entity is ineligible to receive further Federal funding until the plan is submitted.

Subsection (d) requires the Secretary to approve or disapprove the management plan within six months after it is submitted. The subsection also lists the criteria the Secretary is to use in approving the plan, and describes the procedure to be followed if the plan is not approved.

Section 6 describes the relationship of other Federal agencies to the heritage area.

Subsection (a) clarifies that nothing in this Act affects the authority of a Federal agency to provide technical or financial assistance under any other law.

Subsection (b) encourages the head of a Federal agency planning to conduct activities that may have an impact on the heritage area to consult and coordinate the activities with the Secretary and the management entity to the maximum extent practicable.

Subsection (c) clarifies that nothing in this Act modifies authorities of Federal agencies to manage Federal land, limits the discretion of a Federal agency to implement an approved land use plan, or modifies or alters any authorized use of Federal land.

Section 7 contains several savings provisions to clarify that the designation of the national heritage area will not affect private property rights, affect governmental land use regulation, reserve or appropriate water rights, diminish the authority of the State to manage fish and wildlife, or create any liability for property owners within the heritage area.

Section 8(a) requires the Secretary to conduct an evaluation of the accomplishments of the national heritage area not later than three years before the date Federal funding authority terminates.

Subsection (b) provides that the evaluation shall assess the progress of the management entity with respect to accomplishing the purposes of this Act for the heritage area and whether the management entity achieved the goals and objectives of the approved management plan for the heritage area. The evaluation is also required to analyze governmental investments in the heritage area to determine the leverage and impact of the investments.

Subsection (c) requires the Secretary to prepare a report, based on the evaluation, that includes recommendations for the future role of the National Park Service, if any, for the heritage area. If the report recommends that Federal funding for the area be reauthorized, it is required to include an analysis of ways Federal funding may be reduced or eliminated. The report is to be submitted to the House and Senate authorizing committees.

Section 9 authorizes total appropriations of \$10 million, with not more than \$1 million appropriated for any fiscal year, and subject to the non-Federal match.

Section 10 provides that the authority of the Secretary to provide assistance under this Act terminates 15 years after the date of enactment.

#### COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

JULY 31, 2007.

Hon. JEFF BINGAMAN,  
*Chairman, Committee on Energy and Natural Resources,*  
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 443, the Sangre de Cristo National Heritage Area Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Deborah Reis.

Sincerely,

PETER R. ORSZAG.

Enclosure.

*S. 443—Sangre de Cristo National Heritage Area Act*

Summary: S. 443 would establish the Sangre de Cristo National Heritage Area (NHA) in Colorado. The bill would create a board of directors to serve as the first local coordinating entity for the proposed NHA. The board of directors would be responsible for developing a management plan for the NHA and assisting local governments and nonprofit agencies in implementing the plan.

The legislation would authorize the appropriation of \$10 million, not to exceed \$1 million annually, for financial assistance to the commission or other eligible entities over the next 15 years. CBO estimates that implementing S. 443 would cost \$5 million over the 2008–2012 period, with additional amounts spent after 2012.

Enacting S. 443 would have no effect on direct spending or revenues. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA).

Estimated cost to the federal government: The estimated budgetary impact of S. 443 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2008	2009	2010	2011	2012
CHANGES IN SPENDING SUBJECT TO APPROPRIATION					
Estimated Authorization Level .....	1	1	1	1	1
Estimated Outlays .....	1	1	1	1	1

Basis of estimate: Assuming appropriation of the authorized amounts, CBO estimates that implementing S. 443 would cost \$5 million over the 2008–2012 period and \$5 million over the following five to 10 years. Such amounts would be used to cover a portion of the costs of planning, establishing, operating, and interpreting the heritage area.

Intergovernmental and private-sector impact: S. 443 contains no intergovernmental or private-sector mandates as defined in UMRA. State and local governments could benefit from grants and technical assistance authorized by the bill for activities related to the new heritage area.

Estimate prepared by: Federal Costs: Deborah Reis and David Reynolds; Impact on State, Local, and Tribal Governments: Leo Lex; Impact on the Private Sector: Amy Petz.



Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

#### REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 443. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of S. 443, as ordered reported.

#### EXECUTIVE COMMUNICATIONS

The testimony provided by the Department of the Interior at the March 20, 2007, Subcommittee hearing on S. 443 follows:

#### STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Subcommittee, thank you for the opportunity to appear before you today to present the Department of the Interior's views on S. 443, a bill to establish the Sangre de Cristo National Heritage Area in the State of Colorado.

Two grassroots organizations, the Los Amigos Caminos Antiguos Scenic and Historic Byway and the Sangre de Cristo NHA Steering Committee, collaborated on a 2005 study which found the Sangre de Cristo region appropriate for designation. Nevertheless, we recommend that the committee defer action on S. 443 and all other proposed heritage area designations until program legislation is enacted that establishes guidelines and a process for the designation of national heritage areas. Last year, the Administration sent to Congress a legislative proposal to establish guidelines and a process for designation. Bills were introduced in the 109th Congress (S. 243, H.R. 760 and H.R. 6287) that incorporated the majority of the provisions of the Administration's proposal, and S. 243 passed the Senate. During the 110th Congress, a similar heritage area program bill, S. 278, has been introduced, and we look forward to continuing to work with Congress on this very important issue.

With 37 national heritage areas designated across 27 states, and more heritage area legislative proposals in the pipeline, the Administration believes it is critical at this juncture for Congress to enact national heritage area program legislation. This legislation would provide a much-needed framework for evaluating proposed national heritage areas, offering guidelines for successful planning and management, clarifying the roles and responsibilities of all parties, and standardizing timeframes and funding for designated areas. Program legislation also would clarify the

expectation that heritage areas would work toward self-sufficiency by outlining the necessary steps, including appropriate planning, to achieve that shared goal.

S. 443 would establish the Sangre de Cristo National Heritage Area (NHA) to recognize the outstanding and nationally significant natural, cultural, scenic and recreational resources found within the San Luis Valley of Colorado. The Department testified, in a hearing before this subcommittee, on S. 2037, a similar bill, in the 109th Congress.

S. 443 contains safeguards to protect private property, including a prohibition on the use of federal funds to acquire real property. The bill proposes no new restrictions with regard to public use and access to private property and does not convey any water right or water restrictions to the federal government.

S. 443 designates the Sangre de Cristo National Heritage Area Board of Directors as the management entity and outlines their duties. The Board represents a broad spectrum of the valley's residents, organizations, and agencies that were involved in the planning for the NHA. The bill also authorizes the development of a management plan within three years of enactment and authorizes the use of federal funds to develop and implement that plan. If the plan is not submitted within three years of enactment of this Act, the Heritage Area becomes ineligible for federal funding until a plan is submitted to the Secretary. Additionally, the Secretary may, at the request of the management entity, provide technical assistance and enter into cooperative agreements with other public and private entities.

Exceeding 7,700 feet in elevation, the San Luis Valley is flanked by the Sangre de Cristo and San Juan Mountains and the geology and climatology within the valley have contributed to the formation of America's tallest Sand Dunes, part of Great Sand Dunes National Park and Preserve.

The Rio Grande, the second largest river in North America, has its headwaters within the proposed NHA and twists its way through the San Luis Valley on a 1,900-mile journey, offering outstanding scenic and recreational opportunities, including trout fishing, rafting, and tubing. The availability of water in this largely arid and alpine environment tends to concentrate the abundant wildlife in highly visible and public preserves creating exceptional wildlife and bird watching opportunities.

The area's rich natural resources include one National Park, three National Wildlife Refuges, one National Forest, two National Forest Wilderness Areas, six Areas of Critical Environmental Concern administered by the Bureau of Land Management, and 15 State Wildlife Areas. The cultural resources associated with the proposed national heritage are equally impressive. The San Luis Valley with its abundant natural resources may have been inhabited by native peoples including the Ute, Navajo,

Apache, Tiwa, Tewa, Comanche, Kiowa, and Arapaho for more than 12,000 years.

More recently, the San Luis Valley served as a crossroads for European exploration and settlement. Spanish explorers and Franciscan priests first entered the valley in 1776 in an attempt to strengthen Spain's weak hold on her remote empire. Captain Zebulon Montgomery Pike camped in the shadows of the Sangre de Cristo Range along the banks of the Conejos River and was captured by Spanish soldiers, arrested for trespassing on Spanish soil, and escorted to Mexico for questioning. His campsite is commemorated as a National Historic Landmark along with 22 other properties that are listed on the National Register of Historic Places.

Extensive Mexican land grants triggered the initial settlement of the area as families from northern New Mexico found enough water to support their sheep and water their crops. The proposed NHA contains the oldest continuously occupied town in Colorado, (San Luis), the oldest parish (Our Lady of Guadalupe), the oldest church (San Acacio), and the first water right (San Luis People's Ditch).

The Hispanic cultural traditions associated with this first wave of European settlement can still be found in this isolated and predominantly agricultural region of Colorado where a version of 17th century Spanish is still spoken by about 35% of the population.

The feasibility of recognizing the area's impressive cultural and natural resources as a national heritage area was the subject of a study produced in 2005 by two grassroots organizations, the Los Amigos Caminos Antiguos Scenic and Historic Byway, in conjunction with the Sangre de Cristo NHA Steering Committee.

The feasibility study was largely based upon the results of a symposium held in the fall of 2002 where scientists, historians, and anthropologists from interested colleges as well as local ranchers, community leaders, and tribal elders presented papers on the history, natural resources and local culture of the San Luis Valley. The feasibility study identified four interpretive themes for the NHA and addressed the ten interim criteria that the National Park Service has developed for designation of national heritage areas. The study concluded that the area's cultural and natural resources met those criteria.

All local governments within the proposed area have passed resolutions in support of the establishment of the proposed NHA. Moreover, State and federal land managers within the proposed NHA have expressed a willingness to work with the management entity in accomplishing their congressionally authorized conservation and education responsibilities.

If the committee chooses to move forward with this bill, the Department would recommend that the bill be amended to include an additional requirement for an evaluation to be conducted by the Secretary, three years prior to the cessation of federal funding under this act. The evaluation

would examine the accomplishments of the heritage area in meeting the goals of the management plan; analyze the leveraging and impact of investments to the heritage area; identify the critical components of the management structure and sustainability of the heritage area; and recommend what future role, if any, the National Park Service should have with respect to the heritage area.

We also recommend that the bill be amended to remove paragraph 5(d)(2) which would require 100 percent federal funding prior to completion of the management plan and to change the termination authority in Section 11 to expire 15 years after enactment. In addition, we would like to work with the Subcommittee to ensure that the management planning process is coordinated with the affected federal land management entities. These amendments would make S. 443 consistent with other, similar, national heritage area establishment bills.

Mr. Chairman, this concludes my prepared remarks. I would be pleased to answer any questions you or other members of the Subcommittee may have.

#### CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 443, as ordered reported.

